

# Exhibit D

## Deposition of Ancil Taylor (Excerpts)

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DIVISION OF TEXAS  
AUSTIN DIVISION

UNITED STATES OF AMERICA

PLAINTIFF

VS.

CASE NO. 1:23-CV-00853-DAE

GREG ABBOTT, IN HIS  
CAPACITY OF GOVERNOR OF  
THE STATE OF TEXAS , AND  
THE STATE OF TEXAS

DEFENDANTS

DEPOSITION OF ANCIL TAYLOR

Taken at the instance of the Plaintiff at the  
U.S. Attorney's Office for the Southern  
District of Mississippi, 501 East Court Street,  
Jackson, Mississippi, on Wednesday,  
July 3, 2024, beginning at 9:40 a.m.

\* \* \* \* \*

REPORTED STENOGRAPHICALLY BY:  
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1 location.

2 So it's probably not five feet deep and  
3 it's probably not one foot deep, and I had to pick a  
4 number. Then I -- because it was an assumption, I  
5 put a table in here that said, well, if it was one  
6 foot deep, this is what the quantity would be. If  
7 it was five or six feet, whatever the table had in  
8 it, I don't recall. It's in the report as to what  
9 the quantities would be.

10 Q. Is that assumption an estimate of the  
11 average depth across the width of the channel?

12 A. Full 250. The 250-foot channel, correct.

13 Q. Okay. Thank you.

14 Do you know the composition of the  
15 materials underneath the Rio Grande?

16 A. No, I don't know it. I have certainly  
17 experienced in the -- in the area, the region. I  
18 have asked people that have been on the site, people  
19 that I've worked with over the years just in  
20 conversation, I said, "What's the material here?"

21 I have worked and dredged the channels  
22 in -- on the Brazos and Brownsville and Corpus. I'm  
23 familiar with coastline area where the Rio Grande  
24 enters the Gulf of Mexico, and I'm also familiar  
25 with the type of material that is in that region

1 whether it's caliche or limestone. And one of the  
2 experts, TJ Seramantero (phonetic), I believe  
3 it's -- I'm sure I'm pronouncing his last name  
4 incorrectly. He visited the site and was able to  
5 help me image it through FaceTime video. He was on  
6 site.

7 I asked him to, you know, take me to some  
8 shoreline locations and let me see the material to  
9 confirm that it was consistent with what I expected  
10 it to be, which would be a limestone and sand,  
11 gravel type of material in some locations. And the  
12 features that I saw in the river were -- appeared to  
13 be limestone rock. And the fragmentation of  
14 limestone will occur in such an environment and  
15 create limestone gravel. Some of them can be large  
16 rocks.

17 So that's -- that's what informed the type  
18 of dredging equipment that I believe would be  
19 necessary in order to -- to do the work on the Rio  
20 Grande.

21 Q. So let me try and understand. You did not  
22 visit the river, yourself, but another one of Texas'  
23 experts, Mr. Seramantero (phonetic), video  
24 conferenced you from a visit that he was making to  
25 the river; is that right?

1 A. That's correct.

2 Q. Okay. And about how long were you on this  
3 video call with him?

4 A. I didn't record it. I don't recall.  
5 Maybe 15 minutes, 20 minutes, something like that.  
6 We had a couple of disconnects and had to reconnect  
7 a few times.

8 Q. Were you able to direct him to certain  
9 features on the river that you were interested in  
10 seeing?

11 A. Well, he didn't have a lot of mobility  
12 from, you know, where he was. He didn't have  
13 certain -- the ability to look at the satellite  
14 images that I had, but I wanted him to get into the  
15 shoreline so that I could see the interaction  
16 between the water and the sediment that was on the  
17 shore. You can see the type of material a little  
18 bit more clear on -- around the shoreline as it's  
19 washed, as opposed to being up on land and crushed  
20 by trucks and whatever.

21 Q. Was Mr. Seramantero (phonetic) on a boat  
22 when he was having this call with you?

23 A. Not while he was talking with me. I don't  
24 believe he was.

25 Q. Was he walking along the shoreline?

1 A. Yes.

2 Q. Do you know what part of the Rio Grande he  
3 was standing in as she shared this information with  
4 you?

5 A. I don't know for sure, but I think he was  
6 in the Eagle Pass range.

7 Q. Do you know if it was at the location of  
8 the floating barrier that's at issue in this case?

9 A. I don't recall it being in the FaceTiming  
10 that we were -- we were doing. I have seen the  
11 barrier in videos and pictures, but I can't recall  
12 if it was on that FaceTime event that I had with him  
13 or not.

14 Q. Did you learn any other information about  
15 the river from this call with  
16 Mr. Seramantero (phonetic)?

17 A. I was primarily interested in the material  
18 that was on the shoreline to confirm that my belief  
19 was that we had to go in there with a marine  
20 excavator, we had to remove this stuff mechanically  
21 from the bottom. That's what my major concern was.

22 Q. Did you develop any knowledge about the  
23 river's depth at this point based on your call with  
24 Mr. Seramantero (phonetic)?

25 A. Not based on the call, no.

1 two countries. It's not uncommon when, say, within  
2 a state or even two states or -- like on the  
3 Mississippi River, but here we're talking about  
4 changing the boundary where, if Mexico wants to hold  
5 on to their piece of land that's just got cut off  
6 from the river bend, or U.S. wanted to hang on to  
7 their piece of land, it would make a pretty good  
8 challenge. So I did consider it, but I didn't  
9 pursue it because of that.

10 Q. Are -- are tight river bends evenly  
11 distributed across the length of the Rio Grande?

12 A. No. They're natural. When you say evenly  
13 distributed, is it like a pattern that's --

14 Q. No. Let me ask that differently.  
15 Are there some stretches of the Rio Grande  
16 that have more of these tight bends than other  
17 stretches of the Rio Grande?

18 A. Yes.

19 Q. Okay. What segment of the Rio Grande is  
20 more likely to have narrow bends -- excuse me.

21 What segment of the Rio Grande is more  
22 likely to have tight bends?

23 A. I don't recall. I mean, it's certainly  
24 more visible on Google Earth to be able to zero in.

25 Are you talking about specifically, like,



1 what reach or what might cause the bends?

2 Q. I'm wondering in general: Are you more  
3 likely to find tight bends on the portions of the  
4 river close to its mouth or it's farther upstream  
5 reaches?

6 A. It really has more to do with the  
7 riverbed, the type of material that it is and the  
8 currents that are in a particular location. River  
9 bends are created by the currents eroding the  
10 outside corner or the outside edge of a river. And  
11 the accretion of dirt or the accumulation of  
12 material on the inside of that bend. So the current  
13 eats that outer bank, it goes around -- the curve  
14 goes across to the other side, eats that other bank.

15 And those currents may be increased  
16 because the geotechnical description of the riverbed  
17 is not allowing the river to widen out. It's  
18 cutting a path of least resistance through this  
19 material, which was resulting in a higher current  
20 around the edge.

21 So it's the hydrodynamics of the river,  
22 the current, the geotechnical conditions that caused  
23 these bends to be created or not.

24 Q. In developing the opinions in your expert  
25 report, did you assume that this navigation channel

1 Waterway?

2 A. I don't recall.

3 Q. Okay. Earlier we discussed your  
4 assumptions regarding the type of material  
5 underlying the Rio Grande in the upper regions of  
6 the river, right?

7 A. Yes.

8 Q. What were your assumptions about that type  
9 of material?

10 A. A limestone, a caliche, a coarse sand and  
11 gravel, and I think -- if you want to call it  
12 limestone, a bedrock type of thing. I would not be  
13 surprised to see formations of bedrock present in  
14 the area, as well.

15 Q. And I think you testified earlier that  
16 that assumption was based on evidence that you saw  
17 through a video call with another expert that made a  
18 visit to the site; is that right?

19 A. That along with the features that you  
20 could see on the river from Google Earth and the  
21 type of material that was in the channel blocking  
22 water flow down the river. That is evident of  
23 limestone degrading and breaking apart and migrating  
24 its way down the river and accumulating in one  
25 location.

1           So you could tell from -- and me knowing  
2       what the characteristics, the geology is of the  
3       area, combined with the fact that those boulders  
4       were present, indicates that it's not -- I think I  
5       have a good assumption in that regard.

6           Q.     Did you assume different materials  
7       underlying different parts of the river?

8           A.     My assumption understands -- recognizes  
9       that I can have relatively soft granular gravel on  
10      one side of the river, but have a limestone  
11      formation on the other side of the river.

12                Yeah, that's the reason for the type of  
13      equipment that I assumed would be necessary for  
14      the -- for the work to be done. You've got to bring  
15      to bear the equipment that will be able to handle  
16      the broad spectrum of the character and material to  
17      be in encountered.

18           Q.     Did you assume a different type of  
19      underlying material in the reaches of the Rio Grande  
20      that are closer to the Gulf of Mexico?

21           A.     Yes, yeah.

22           Q.     What type of materials did you assume  
23      would be -- would need to be removed in the lower  
24      reaches?

25           A.     Finer sand, silts that -- more of a river

1 sediment once the river transport suspended  
2 sediments in the water as it goes down -- goes  
3 downstream.

4 Once that river hits the Gulf of Mexico  
5 and encounters salt water, then those fine sediments  
6 that are in the waterway attract themselves to each  
7 other and they flocculate and they fall to the  
8 bottom.

9 Clay particles are not round, they're  
10 flat-shaped, if you've ever looked at clay  
11 platelets. And in their -- in fresh water, clay  
12 platelets are negatively charged and positively  
13 charged on the flat side versus the edge of  
14 platelets.

15 I'm sure you won't be able to go to sleep  
16 tonight thinking about all of this exciting stuff.

17 So when salt water comes in contact with  
18 it, the salt water acts as a catalyst to cause the  
19 two positive sides or the negative sides to come  
20 together like this. And when they attach this way  
21 instead of this way, microscopically, they  
22 flocculate together and become heavier in the water,  
23 and they fall out to the -- to the seabed. That  
24 occurs when it hits salt water, which is what you  
25 have in the tidal reach of the lower end of the

1 Rio Grande.

2 Q. In developing the opinions in your report,  
3 did you assume a dividing line in the river where  
4 the materials change from one type to another type?

5 A. Both dredge types could be utilized in  
6 that transition zone. Either the mechanical dredge,  
7 with the heavy breakout forces for hard material,  
8 could be used all the way to the Gulf of Mexico, or  
9 the cutter dredge could be used through the  
10 transition zone further up the channel than what I  
11 assumed.

12 And this report, I broke it at the first  
13 dam. I said the cutter dredge is going to go after  
14 the first dam, and then the mechanical equipment is  
15 going to take over from there.

16 Q. Does your assumption about where that  
17 dividing line falls affect your estimates of the  
18 cost in this project?

19 A. You can see on the -- I know that this  
20 spreadsheet has a cost per cubic yard for the two  
21 types of the dredges. I just need to find it.

22 Q. Is it on a spreadsheet that begins with  
23 the heading "Land cut up to pool one sea level."

24 A. Yeah. What number?

25 Q. Can you try turning to the 15th page of